

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections***Drawings***

Figure 36 is objected to since the Examiner contends that it should be labeled as "Prior Art" because only that which is old is illustrated. (See Paper No. 09092005, page 2.) To support this position, the Examiner stated that reference signs 3522, 3524, 3525, 3526 and 3527 of Figure 36 are the same as reference signs 214, 216, 218a, 218b and 220 of Figure 2B of U.S. Patent Application Serial No. 6,765,866 ("the Wyatt patent"). Even if Figure 36 shares some common fields as Figure 2B of the Wyatt patent, Figure 2B of the Wyatt patent clearly does not show all of the elements (e.g., fields 2012b, 2020a, 2012a, 2014 and 2020b) of Figure 36, nor does it show how the packet is changed as illustrated in Figure 36. Accordingly, claim 36 is not prior art. Consequently, this objection should be withdrawn.

Claims

Claims 3, 5-7, 11-18, 20, 44 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Since, however, the independent claim 1 is believed to be allowable for at least the reasons

discussed below, the applicants have not, at this time, rewritten these claims in independent form.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 4, 8-10, 19, 21, 25, 26 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,826,195 ("the Nikolich patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following:

Before discussing various patentable features of the independent claims, the applicants first introduce the Nikolich patent. The Nikolich patent concerns a network switch having a chassis 200 which integrates a plurality of network interfaces and applications. (See, e.g., column 3, lines 23-30.) As shown in Figure 5, the chassis 200 may be provided as a part of a cable headend station or a regional hub 262.

Figure 11 illustrates the connection of application modules 422 to a backplane 420 of the chassis 200 via mesh communication chips (MCCs) 424. (See, e.g., column 4, lines 57-61.) The main parts of columns 5 and 6 concern inter-chassis switching. For the purpose of such inter-chassis switching, a BAS header (See, e.g., Figure 13.) may be used. Figure 12 illustrates a full mesh chassis backplane. Figures 14 and 20 illustrate exemplary application modules. (Recall 422 of Figure 11.) Figure 18 illustrates an exemplary chassis controller. (Recall 428 and 430 of Figure 11.) Figure 21 illustrates an exemplary MCC. (Recall 424 of Figure 11.)

The Examiner contends that element 558 of Figure 14, which is a processor of an IP access switch of a cable headend or regional hub, teaches the claimed first customer device, and that element 572 of Figure 14, which is a port of an IP access switch of a cable headend or regional hub, teaches the claimed second customer device. (See Paper No. 09092005, page 3.) In the previous response, the applicants noted that these intra-switch elements cannot be characterized as customer devices. In response, the Examiner contends that the IP processor 558 processes customer packets and can therefore be characterized as a customer device, and that the port 572

provides customer connections and can therefore be characterized as a customer device. (See Paper No. 09092005, page 7.)

The applicants respectfully submit that the Examiner's interpretation of "customer device" is inconsistent with the interpretation that those skilled in the art would reach, and is inconsistent with the interpretation supported by the specification. Thus, the Examiner's interpretation of "customer device" is improper. (See MPEP 2111.) Generally, in the communications art, there are service providers and customers. A customer device is understood by those skilled in the art to mean a device owned or controlled by a customer, and/or a device at the customer premises. The specification of the present application is consistent with this interpretation of customer device. This is most clearly exemplified by Figure 9 which shows customer devices 910 accessing a transport network 940 of a service provider via access facilities 920 and edge devices 930. On the other hand, referring to Figure 14 of the Nikolich patent, the IP processor 558 and the Ethernet port 572 are part of an application module 550, which is a part of a chassis (See Figure 11.), which is a part of an edge device of a transport network (See Figure 5.). Thus, these elements are neither owned nor controlled by a customer, nor are they located at a customer premise. Accordingly, independent claim 1 is not anticipated by the Nikolich patent for at least this reason. Since claims 2, 4, 8-10 and 19 depend from claim 1, they are similarly not anticipated by the Nikolich patent. New claim 46 highlights this difference.

Further, claim 1 is not anticipated by the Nikolich patent because the Nikolich patent does not teach an act of associating customer context information with a logical interface. The Examiner contends that column 6, lines 15-20 teach this feature. (See Paper No. 09092005, page 3.) The applicants respectfully disagree. The cited portion of the Nikolich patent concerns a destination fabric interface address (FIA) field of a BAS tag 500. However, the BAS tag 500 is used for inter-chassis switching (See column 5, lines 34-37.), and therefore cannot be characterized as "customer context information." Accordingly, independent claim 1 is not anticipated by the Nikolich patent for at least this additional reason. Since

claims 2, 4, 8-10 and 19 depend from claim 1, they are similarly not anticipated by the Nikolich patent.

Independent apparatus claim 39 is not anticipated by the Nikolich patent for at least the same reasons as discussed above with reference to claim 1.

Independent claim 21 is not anticipated by the Nikolich patent because the Nikolich patent does not teach logical interfaces, each being uniquely associated with a customer device and customer context information. The Examiner contends that column 4, lines 5-9 of the Nikolich patent teach such logical interfaces. (See Paper No. 09092005, page 5.) The cited section of the Nikolich patent concerns the chassis supporting a plurality of hybrid fiber-cable (HFC) links. However, as illustrated in Figure 1, since HFC links “fan-out” to a plurality of cable modem subscribers 11, a link (and therefore an interface terminating such a link) cannot be used to distinguish individual customers. Accordingly, independent claim 21 is not anticipated by the Nikolich patent for at least this reason. Since claim 25 depends from claim 21, and since claim 26 depends from claim 25, these claims are similarly not anticipated by the Nikolich patent.

New claim

New claim 46 depends from claim 1 and further distinguishes the claimed invention over the cited art. Claim 46 is supported, for example, by Figure 9.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

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